



#21/ Appeal  
Brief  
Bentley  
1/31/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: TSURUFUJI, T.

App. No.: 09/517,009

Group Art Unit: 3643

Filed: February 28, 2000

Examiner: ROWAN

Title: APPARATUS FOR MOUNTING REEL ON FISHING ROD

Atty. Docket No.:

08203.340

APPEAL BRIEF UNDER 37 C.F.R. 1.192

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Assistant Commissioner for  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

In follow-up to the Notice of Appeal filed September 13, 2003, Appellant respectfully requests the Board of Patent Appeals and Interferences consider the following arguments and reverse the decision of the Examiner in whole.

(1) **Real Party In Interest:** DAIWA SEIKO, INC., 14-16

Maesawa 3-chome, Higashikurume-shi, Tokyo, Japan, by  
virtue of assignment recorded August 29, 2001, Reel  
010594, Frame 0067.

01/15/2004 AWONDAF1 00000049 09517009

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330.00 OP

(2) **Related Appeals and Interferences:** There are no known related appeals or interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

(3) **Status of Claims:** 1-9 are pending, finally rejected and appealed.

(4) **Status of Amendments:**

Applicant's Amendment of January 14, 2001, Amendment of December 10, 2002, and reconsideration dated September 12, 2003 have all been entered and considered by the Examiner.

(5) **Summary of Invention:**

The present invention is directed to a reel mounting apparatus having a click mechanism for generating a click sound.

(6) **Issues:**

Whether claims 1-8 are patentable over JP 10-52195.

Whether claim 9 is anticipated by JP 10-52195.

**(7) Grouping of Claims:**

The subject matter of claims 1-7, and 9 are considered by Appellant to be each separately patentable. Claims 4 and 8, stand or fall together. The reasons Appellant considers claims 1-7 & 9 to be separately patentable are described below under sub-paragraph (iii) and (iv) of Section (8) ARGUMENTS.

**(8) Argument:**

Sub-paragraph (i)

This sub-paragraph is not applicable to the instant appeal in so far as there are no issues under 35 U.S.C. § 112.

Sub Paragraph (ii)

This sub-paragraph is not applicable to the instant appeal in so far as there are no issues under 35 U.S.C. § 112.

Sub-Paragraph (iii)

Claim 9 was rejected under 35 U.S.C. 102 as being anticipated by JP 10-52195. Applicant respectfully disagrees. The Examiner's rejection fails to satisfy the

most basic requirements for anticipation, specifically that JP 10-52195 fails to disclose all the limitations of claim 9. JP '195 fails to disclose the click sound generation mechanism installed between the main body and the nut member for generating click sound using relative movement between the main body and the nut member. Thus the rejection must fall on this omission alone. In contrast, JP '195 discloses the click mechanism disposed between washer like member 50 and the hood 11.

Sub-paragraph (iv)

Claims 1-8 were rejected under 35 U.S.C. 103 as being unpatentable over JP 10-52195 Applicant respectfully disagrees. It is first noted that the drawbacks and deficiencies of JP-10-52195 are specifically discussed in the specification.

Two most significant drawbacks to JP '195 are that the click mechanism is disposed between the washer 50 and hood 11 and thus forms a pressure contact surface bearing the force when clamping and thus reducing sound and feel to the click mechanism when strongly clamped. Furthermore, the arrangement of JP '195 exposes the click mechanism to the external environment via the substantial gap between member 50 and the hood, note the exposed internal cavity 53 of

Fig. 5. This arrangement allows for the infiltration of impurities to enter into the clicking mechanism and adversely effect its operation and reliability. The arrangement of the present invention alleviates these and other drawbacks.

Regarding claim 1, JP '195 fails to disclose the moving hood and nut member brought into contact with each other. Such removes the click mechanism as a pressure contact surface and provides for direct engagement between the hood and nut member. This also provides for better operation and feel during clamping. Moreover, JP '195 fails to disclose the click mechanism unexposed to external environment. Lastly, JP- 195 fails to disclose the click mechanism formed by radially inner portions of the moving hood and nut member proximate to the radially outer portions of the respective contact surfaces.

Despite the significant differences between JP '195 and the presently claimed invention, The Examiner asserts that the location of the click mechanism is a matter of design choice. The Examiner's reliance on design choice to conclude that the present invention is unpatentable per se is without merit. Nevertheless, the examiner fails to indicate why one of ordinary skill in the art would even attempt relocate the click mechanism or even identify the

resultant modified structure. The Examiner's rejection is merely a conclusion that the present invention is obvious Based on improper hindsight reconstruction. Nothing in the prior art teaches, discloses, or suggests the relocation of the click mechanism of JP '195, the isolation from the external environment or to bring the hood and nut member into direct contact with each other. The examiner has failed to even establish a prima facie case of obviousness. The examiners reasons for his modification are conclusory and without motivation or even disclosure of the limitation. Rather the Examiner relies on broad wide sweeping generalizations such as "it would have been obvious to mount the nut member and the movable hook member in direct contact by eliminating the washer *since the omission of an element with the consequent loss in function is obvious.* Official Action of 3/13/2003 page 2, lines 18-19. Emphasis added. This conclusion is without merit and without motivation. The Examiner further concludes without support that "it would have been obvious to rearrange the location of the parts since the function is the same. Page 3, lines 2-3. Again, the Examiner has failed to identify the proper motivation to modify JP '195. Nevertheless, the function of the arrangement if the present invention is not the same as previously discussed. The mere fact that a

reference can be modified is insufficient to establish even a prima facie case of obviousness. Contrary to the Examiner's assertions, the prior art must contain a suggestion or motivation to support the modification. The Examiner has failed to establish this essential prong to a prima facie case of obviousness.

Regarding claim 2, JP '195 fails to disclose the non-contact surfaces of the moving hood and the nut member including an elastic body and an engaging portion from which the elastic body is detachable, or a nut member having respective pressure contact surfaces which are forced to directly contact each other when the fishing-reel fitting leg portion is clamped between the first and second retaining portions by the clamping and pivotal operation of the nut member with respect to the seat body, or a click mechanism isolated from the external environment.

Regarding claim 3, the prior art fails to disclose the moving hood and the nut member are such that their coupling portions therebetween are externally cylindrical and have substantially the same outer diameter.

Regarding claims 4-5, the prior art fails to disclose a click mechanisms disposed within a closed chamber.

Regarding claim 6, the prior art fails to disclose a closed chamber defined between the main body and the nut member.

Regarding claim 7 The Examiner admits that JP '195 does not show the coil spring, the protrusion and the recesses on other members than the pair of hoods and the nut member. Here again, the prior art fails to disclose or provide any motivation or suggestion to supports any modification to obviate the claimed invention.

Sub-Paragraph (v)

This sub-paragraph is not applicable to the instant appeal.

(9) An Appendix of claims is attached hereto.

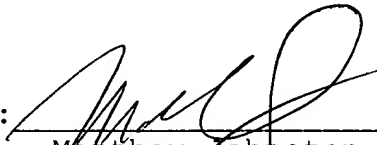


### Conclusion

The foregoing arguments detail the failure of the Examiner's 35 USC 102 and 103 based rejections to survive scrutiny under the requirements of such rejections. Thus Applicant respectfully request reversal of all rejections of claims 1-9.

Respectfully submitted,

Date: 1/12/05

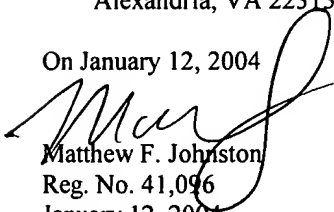
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On January 12, 2004

  
Matthew F. Johnston  
Reg. No. 41,096  
January 12, 2004

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**APPENDIX OF CLAIMS ON APPEAL**

1. An apparatus for mounting a reel on a fishing rod, said apparatus comprising:

a seat body having a first retaining portion which is provided to the fishing rod and used for receiving and retaining one side of a fishing-reel fitting leg portion,

a moving hood which is fitted to the outer periphery of the seat body and has a second retaining portion for receiving and retaining the other side of the fishing-reel fitting leg portion and is also movable along the longer direction of the seat body, and

a nut member which is rotatably coupled to the moving hood and screwed into the seat body and makes the moving

hood move along the longer direction of the seat body,  
wherein:

the moving hood and the nut member respectively have  
contact surfaces which are brought into direct contact with  
each other;

radially outer portions of the respective contact  
surfaces are formed as pressure contact surfaces which are  
forced to contact each other when the fishing-reel fitting  
leg portion is clamped between the first and second  
retaining portions by the clamping and pivotal operation of  
the nut member with respect to the seat body; and

radially inner portions of the moving hood and nut  
member proximate to the radially outer portions of the  
respective contact surfaces are forming a click mechanism  
for producing a click sound with an elastic body and an  
engaging portion with which the elastic body detachably  
engages during the rotation of the nut member, wherein the  
click mechanism is unexposed to external environment.

2. An apparatus for mounting a reel on a fishing rod,  
said apparatus comprising:

a seat body having a first retaining portion which is  
provided to the fishing rod and used for receiving and  
retaining one side of a fishing-reel fitting leg portion,

a moving hood which is fitted to the outer periphery of the seat body and has a second retaining portion for receiving and retaining the other side of the fishing-reel fitting leg portion and is also movable along the longer direction of the seat body, and

a nut member which is rotatably coupled to the moving hood and screwed into the seat body and makes the moving hood move along the longer direction of the seat body, characterized in that:

the moving hood and the nut member have respective pressure contact surfaces which are forced to directly contact each other when the fishing-reel fitting leg portion is clamped between the first and second retaining portions by the clamping and pivotal operation of the nut member with respect to the seat body, and non-contact surfaces to which the contact force is not applied; and that

each of the non-contact surfaces includes an elastic body and an engaging portion from which the elastic body is detachable and an unexposed click mechanism for producing a click sound when the nut member is rotated, wherein the click mechanism is unexposed to external environment.

3. An apparatus for mounting a reel on a fishing rod as claimed in claim 2, wherein the moving hood and the nut member are such that their coupling portions therebetween are externally cylindrical and have substantially the same outer diameter.

4. A reel seat comprising:

a main body;

a pair of hoods, at least one of said hoods is movable relative to said main body;

a nut member, threadingly engaged with said main body, for moving said movable hood relative to said main body by rotation and associated movement of said nut member relative to said main body;

a closed chamber defined between two of said main body, said movable hood and said nut member; and

a click sound generation mechanism installed inside said nut member within said closed chamber for generating click sound using relative movement between said two of said main body, said movable hood and said nut member,

wherein said click sound generation mechanism includes recesses, a coiled spring; a protrusion on an end of said coiled spring and engageable with one of said recesses.

5. A reel seat comprising:

- a main body;
- a pair of hoods, at least one of said hoods is movable relative to said main body;
- a nut member, threadingly engaged with said main body, for moving said movable hood relative to said main body by rotation and associated movement of said nut member relative to said main body;
- a closed chamber defined between two of said main body, said movable hood and said nut member; and
- a click sound generation mechanism installed inside said nut member within said closed chamber for generating click sound using relative movement between said two of said main body, said movable hood and said nut member, wherein said closed chamber is axially located between said two of said main body, said movable hood and said nut member.

6. The reel seat according to claim 4, wherein the closed chamber is defined between the main body and the nut member.

7. The reel seat according to claim 4, wherein the recesses, the coiled spring, and the protrusion are provided to members other than the pair of hoods and the nut member.

8. The reel seat according to claim 4, wherein the recesses, the coiled spring, and the protrusion are arranged in an axial direction of the main body.

9. A reel seat comprising:

a main body;

a pair of hoods, at least one of said hoods is movable relative to said main body;

a nut member, threadingly engaged with said main body, for moving said movable hood relative to said main body by rotation and associated movement of said nut member relative to said main body by rotation and associated movement of said nut member relative to said main body;  
and

a click sound generation mechanism installed between the main body and the nut member for generating click sound using relative movement between the main body and the nut member,

wherein said click sound generation mechanism includes recesses, a coiled spring, and a protrusion on an end of said coiled spring and engageable with one of said recesses which are arranged in an axial direction of the main body.